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HUMAN RIGHTS COMMITTEE

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SUMMARY RECORD OF THE 1687th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 23 July 1998, at 10 a.m.

Chairperson: Ms. CHANET

later: Mr. BHAGWATI
(Vice-Chairperson)

later: Ms. CHANET
(Chairperson)

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GE.98-17187 (E)

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Initial report of the former Yugoslav Republic of Macedonia (CCPR/C/74/Add.4; CCPR/C/63/Q/MKD/1)

1. At the invitation of the Chairperson, the delegation of the former Yugoslav Republic of Macedonia took places at the Committee table.

2. Mr. TODOROVSKI (the former Yugoslav Republic of Macedonia) said that, according to information just received from Skopje, the Constitutional Court, in rejecting the appeal of Mr. Rufi Osman, had explicitly stated that it was proceeding on the basis of article 19 of the Covenant and articles 9 and 10 of the European Convention on Human Rights.

3. Ms. GORGIEVA (the former Yugoslav Republic of Macedonia), continuing her delegation's response to paragraph 19 of the list of issues (CCPR/C/63/Q/MKD/1), said that, according to the 1994 census, there were 47,408 Roma (2.3 per cent of the total population) in her country. The Roma community, which was not nomadic, showed a high level of integration and a clearly expressed sense of belonging to the FYR of Macedonia. The citizenship status of the Roma had been regulated to a high degree and no cases of organized or individual animosity or violence against them had been recorded. Like other minorities in the FYR of Macedonia, the Roma received equal treatment under the law and enjoyed all rights without any discrimination under the Constitution.

4. Four political parties represented the interests of the Roma minority; two of them had a representative each in the National Assembly, as well as 15 representatives in local municipal assemblies. Several citizens' associations were also in existence. A candidate of Roma origin had been elected Mayor of the municipality of Suto Orizari, the only municipality in the world where the Roma language was in official use.

5. Learning the Roma language was optional in the elementary education system. A first reader and grammar of the language had recently been prepared and published, and training facilities were provided for staff wishing to teach it. In the 1996/97 school year, 558 students at four primary schools in Skopje had been taught the Roma language on an optional basis. The real problem was the Roma minority's traditionally negative attitude to education, which resulted in many Roma children dropping out of school. The resulting low educational level had an impact on the Roma's social status and integration later in life. However, special programmes aimed at improving the status of the Roma in the educational process were being operated by several non-governmental organizations (NGOs) and foundations and the number of Roma students who had completed their secondary education, or had received some secondary education, had risen slightly in the past few years.

6. So far as the media and culture were concerned, the State broadcasting company had provided 26 hours a week of television programmes and 174 hours a year of radio programmes in the Roma language in 1994, raising those figures

to 48 and 182 hours, respectively, in 1995. The upward trend had continued in 1996 and 1997, and efforts were being made to continue it still further. In addition, private broadcasting companies had transmitted 72 hours of television programmes and 184 hours of radio programmes in 1994. Lastly, the "Pralipe" theatre, one of the most famous theatres of the Roma, having been active in Macedonia for many years, was successfully continuing its work in Germany.

7. Mrs. LAZAROVA-TRAJKOVSKA (the former Yugoslav Republic of Macedonia), responding to paragraph 20 of the list of issues, said that the status of refugees and asylum-seekers was regulated by articles 40 to 55 of the Law on the Movement and Stay of Foreigners. A separate law on asylum-seekers was being drawn up by a group of Macedonian experts in cooperation with the United Nations High Commissioner for Refugees (UNHCR). The existing provisions were in line with the relevant international instruments.

8. The Ministry of Internal Affairs dealt with applications for refugee status and the Ministry of Labour and Social Policy was responsible for providing applicants with accommodation, support and health services. There had been no case of a person seeking refugee status in the FYR of Macedonia since 1993; the 104 Albanian citizens residing in the country as refugees had acquired refugee status before that date.

9. In accordance with the legislation in force and in the light of practical experience, asylum-seekers could not be returned to their country of origin by force while their application was being considered or after a decision had been taken. Their right to freedom of movement was the same as that of citizens of the FYR of Macedonia, which meant that it could be restricted only on grounds of safety, public health or the need to protect the rights and freedoms of other persons. Asylum-seekers and persons with refugee status had to report changes in their place of residence to the Ministry of Internal Affairs.

10. Mrs. CVETANOVSKA (the former Yugoslav Republic of Macedonia), replying to the questions in paragraph 21, said that most of the seminars for civil servants held in the FYR of Macedonia in recent years had been in the human rights field and had been organized in cooperation with international organizations, especially the Council of Europe. Expert advisory consultations and seminars for judges, public prosecutors, lawyers and prison staff, as well as for staff employed in the office of the National Ombudsman, were frequently organized by the Ministry of Justice, and the Association of Judges was actively involved in the training and education of judges.

11. Several seminars with the participation of international representatives, including some from the United Nations Centre for Human Rights, had been held for the purpose of training in human rights matters uniformed police officers of the Ministry of Internal Affairs. Police officers were also regularly sent to international seminars held in other countries. Human rights issues were also included in bilateral cooperation programmes with the police forces of other countries.

12. Special attention was given to the human rights training of teachers, school psychologists and educators at primary and secondary schools. On

completing their training, the teachers went on to train other teachers at their schools. A number of human rights projects had been or were being carried out under that programme in cooperation with scientific institutions.

13. Replying to the second question in paragraph 21, she said that a collection of the principal United Nations documents on human rights, including the International Bill of Human Rights, had been published in Macedonian as well as in the languages of the ethnic minorities on the occasion of the fiftieth anniversary of the United Nations. A collection of the six main United Nations human rights instruments, including the Covenant, was to be published in the current year to mark the fiftieth anniversary of the Universal Declaration of Human Rights.

14. Lord COLVILLE said that the Government of the FYR of Macedonia was to be commended on its efforts to overcome the problems arising from the restructuring process and, in particular, from the major shift from a collective to a more individual approach to human rights.

15. His first question related to the statement in paragraph 533 of the report that citizens whose legal capacity had been revoked by an effective court decision were not registered in the General Voters' List. He could well understand that, for example, lawyers or doctors whose conduct was not in accordance with professional ethics should be struck off the respective register, but he could not see why, if no criminal offence had been committed, they should also lose their right to vote. A clarification on that point would be appreciated.

16. His other observation related to the issue of minorities. He was sure that he was not alone in being impressed by the positive approach to minority rights reflected in the report and in the answers provided by the delegation and was personally convinced that the trials of the persons involved in the events at Gostivar and Tetovo had been entirely regular. Consequently, he found it disturbing that some organizations described those persons as political prisoners. It would be helpful, therefore, if the delegation would confirm that his interpretation of the facts was correct.

17. Mr. KLEIN said he associated himself with the previous speaker's comments concerning minority rights. However, while the Government had taken some very important steps to deal with what was a most sensitive issue, he could not help feeling that the problem of growing tensions between the different components of the population, and especially between the ethnic Albanians and others, was more serious than the delegation's replies indicated. More information of a detailed nature would be welcome; for example, he would like to know how many of the 900 persons currently in detention were ethnic Albanians.

18. Another question that arose in connection with the rights of minorities concerned the list of judgements of the Constitutional Court supplied by the delegation in its replies. In one instance, the Constitutional Court was reported to have annulled, on the grounds of a lack of competence, a provision of the law on local self-government that would have allowed certain inscriptions in localities with a significant proportion of the population

belonging to an ethnic minority to appear not only in the Macedonian language and the Cyrillic alphabet but also in the language and alphabet of the minority concerned.

19. He wondered whether that judgement would have an adverse impact on the effectiveness of the protection being given to minorities and whether the central Government - which, according to the Constitutional Court, was competent to introduce such measures - would be more hesitant than the local councils to adopt decisions in favour of minorities. Did the ex nunc validity of the Court's decision mean that earlier decisions by local councils were still valid?

20. Paragraph 229 of the report spoke of considerable restrictions on freedom of movement in the border belt. He would like to know whether those restrictions were applicable only to the border with Albania, or were more general, and whether they were permanent or temporary.

21. With regard to the expulsion of foreigners, he asked for a clarification of the statement in paragraph 247 of the report that a foreigner "shall be escorted by an authorized official ... to the State border or to the diplomatic or consular representative office of the country whose citizen he is". Did that mean that the diplomatic or consular mission was obliged to take the foreigner concerned into custody? Paragraph 248 also required elucidation, as the Government's discretion to grant asylum did not seem to correspond to the stricter provision in the second paragraph of article 29 of the Constitution.

22. Lastly, referring to the delegation's statement at the previous meeting that there were some 200 non-governmental organizations (NGOs) in the FYR of Macedonia, he expressed surprise that so little material had been supplied to the Committee by Macedonian NGOs. He wondered whether they had been aware that the initial report was going to be discussed. Could the delegation provide any explanation?

23. Mr. YALDEN, having said that much progress in the defence and promotion of human rights had clearly been achieved in the FYR of Macedonia in recent years, remarked that the distinction in treatment between the three largest religious denominations and other religious communities and groups, including the registration requirements for the latter, was bound to strike observers as a form of discrimination. He had not been entirely satisfied with the delegation's response to the Committee's questions on that issue and asked for further evidence of parity of treatment.

24. Distinctions were frequently made between "citizens" and "persons" in both the Constitution and the preliminary version of the core document provided by the Ministry of Foreign Affairs. According to paragraph 10 of the report, citizenship status was relevant only in a limited number of cases, but according to the draft core document, "citizens" were guaranteed freedom of association and the right to peaceful assembly, "each citizen" was guaranteed respect for the privacy of his or her personal and family life, and so forth. On the other hand, "every person" had the right to employment and, according

to article 44 of the Constitution, "everyone" had a right to education. He would like an explanation of the implications of the different wording for equality of rights.

25. In its response to paragraph 19 of the list of issues, the delegation had spoken of instruction in minority languages but it was unclear whether instruction was also provided through the medium of the languages concerned. In that connection, he disagreed with a remark by the delegation to the effect that post-secondary education in minority languages led to ghettoization. According to the delegation, the Albanian-language Tetovo University was illegal and provided only "so-called" education. He strongly urged the authorities not to disregard the interests of young people who were studying at Tetovo University. According to the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe (OSCE), education was one of the most contentious issues in the FYR of Macedonia.

26. He asked for clarification of the rules governing the use of minority languages in the public sector. According to paragraph 582 of the report, minorities were allowed to use their languages in local self-government where "the majority (over 50 per cent) or a significant minority (over 20 per cent)" were members of a nationality. Which figure was applied in practice? In any case, both were unreasonably high compared with other countries, where the usual proportion was around 10 per cent.

27. The delegation asserted that the two International Covenants on Human Rights had been widely distributed. It was rather surprising, therefore, that no complaint under the Optional Protocol had yet been received from any citizen of the FYR of Macedonia.

28. Ms. MEDINA QUIROGA drew attention to the statement in paragraph 358 of the report that authorized officials of the Ministry of Internal Affairs could enter a home or other premises, even without a search warrant, in order to make an arrest. Could such action be taken at any time or only in connection with legal proceedings?

29. According to the last two sentences of paragraph 362, persons other than the accused could be subjected to body searches and medical tests without their consent in the context of criminal proceedings. It was unclear whether the persons concerned were the victims of criminal acts but, if they were, she doubted whether the procedures referred to were compatible with the Covenant.

30. She was concerned about two statements in paragraph 389: that citizens were not authorized to establish private educational institutions at the primary level and that foreigners were, as a rule, prohibited from teaching in religious schools. She asked the delegation to explain those restrictions.

31. Paragraph 401 also required clarification. Who were the "authorized persons" who provided information to journalists? And under what circumstances would a journalist be responsible for the publication of information "according to some other law"? Could the delegation provide some specific examples?

32. Paragraph 406 listed cases in which the distribution of printed materials was prohibited. What was the procedure for banning such materials?

33. With regard to paragraphs 409 and 410, the delegation had informed the Committee that the law in question was to be amended but must, in the meantime, continue to be applied. How could a law that was incompatible with the Covenant continue to be applied if international treaties took precedence over domestic law?

34. According to paragraph 469, "breach of family obligations" was an offence under article 203 of the Criminal Code. She asked the delegation to explain what was meant by that expression.

35. She had serious doubts about the impediments to marriage listed in paragraph 470, for example "persons with a limited impediment in their mental development or with slight impediments in their psychological development". She asked for details of the assessment of genetic structure required in the case of persons with hereditary illnesses.

36. She was surprised at the statement in paragraph 491 that foreign citizens in the country enjoyed the same rights of inheritance as citizens of the FYR of Macedonia "under conditions of reciprocity". Human rights had nothing to do with reciprocity.

37. Mr. SCHEININ said he agreed with the previous speaker that the relationship between the Covenant and outdated legislation restricting freedom of expression needed clarification. In particular, the law under which only registered companies were authorized to import printed material and individuals were prevented from importing more than was required for their own use was incompatible with article 19 of the Covenant and also, in fact, with the third paragraph of article 16 of the Constitution. Were the administrative authorities required to apply such outdated legislation? Surely, they should be bound by the higher principles of human rights and fundamental constitutional rights.

38. According to the delegation, there were no statistics concerning police misconduct in cases involving members of ethnic minorities because such information was sensitive and came under the heading of data protection in the interests of privacy. Many countries had, however, devised methods of compiling statistics with an ethnic breakdown that did not cause problems because they were backed by strong guarantees against abuse of the data. Another possible approach was to record whether complainants considered that their identity had been a relevant factor in incidents. He wondered whether the circumstance that no incidents of violence against the Roma had been reported might be attributable to the data protection requirement. The Government should consider alternative methods of breaking down statistics on incidents of misconduct by the authorities so that the ethnic factor could be made more explicit.

39. According to paragraph 11 of the Committee's General Comment No. 22, a right to conscientious objection could be derived from article 18 of the Covenant. The Committee had been informed of the existence in the FYR of Macedonia of unarmed service within the armed forces for conscientious

objectors. Many objectors would, however, be unable to accept any form of incorporation into the structure of the armed forces. He wondered, therefore, whether the Government would consider introducing independent civilian service.

40. He was concerned that some of the delegation's answers to the questions on minorities had failed to acknowledge the importance of self-government for minority communities as a means of ensuring independent decision-making on cultural, linguistic and other rights. There was nothing to be gained from classifying certain institutions as illegal. If there was a need for minority language education, it was preferable to engage in negotiations and to provide a measure of self-government that would allow members of the minority communities to become involved in educational planning.

41. With regard to incidents in Gostivar and other townships having a large ethnic Albanian population, he was concerned that many mayors or elected chairmen of county assemblies had been imprisoned and that they had been prosecuted under criminal clauses relating to incitement to racial hatred. Clauses designed to protect minorities should not be used against them. It was also unclear whether the defendants had enjoyed all the guarantees provided for under article 14, paragraph 3, of the Covenant.

42. Mr. Bhagwati, Vice-Chairperson, took the Chair.

43. Mr. EL SHAFEI said that the Committee appreciated the delegation's efforts to provide it with a wide range of relevant information.

44. According to the initial report by the FYR of Macedonia to the Committee on the Rights of the Child (CRC/C/8/Add.36), about 18,000 of the total of roughly 78,000 criminal offences registered between 1992 and 1995 had been committed by children. Had any programmes focusing on families and schools been introduced to prevent children from becoming involved in criminal activities?

45. Annex I to the report gave a breakdown of the country's population. Seventeen of the 29 groups listed accounted for less than 1 per cent of the population. He would like to know what criteria were used to assign persons to a certain category, such as that of Muslims or Egyptians. According to the Democratic Forum for the Protection of Human Rights and Freedoms in Macedonia-Gostivar, the Constitution ignored the fact that Albanians were co-founders of the State and treated them as a minority. Many constitutions recognized different components of a particular population but he was unsure whether the Albanians were viewed as a component of the population of the FYR of Macedonia.

46. Mr. ANDO said that, according to paragraph 410 of the report, a permit from the Ministry of Internal Affairs was required for the importation and dissemination of foreign printed material which, by their contents, were intended for citizens of the Republic of Macedonia. Any foreign materials that had been translated into national languages were surely intended for the country's citizens. Paragraph 411 referred to time limits on the validity of import permits. After the expiry of that period, was further importation automatically prohibited? Was the Second Instance Commission for

Administrative Disputes mentioned in paragraph 412 an administrative or a judicial body? If it was an administrative body, were its decisions subject to judicial review?

47. With reference to paragraphs 414 and 415 of the report, he asked why the Government had considered it necessary to set up an International Press Centre for foreign journalists. Concerning the right to peaceful assembly, he noted that paragraph 429 mentioned three cases in which police had used force to disperse a gathering, resulting in one death and numerous injuries. He asked whether the incidents in question were those that had taken place in Gostivar.

48. Ms. Chanet resumed the Chair.

49. Mr. BUERGENTHAL, having complimented the delegation on a thorough and carefully drafted report, said that he would appreciate clarification of the statement that a religious group had to have "a seat" in Macedonia in order to be registered, and also of the statement that teachers in religious schools were required "in general" to be citizens of the country. He would also like to know why the import of foreign printed material required a special licence. No explanations were given in paragraph 410 of the report regarding cases in which licences had been refused. He was somewhat concerned to see that that matter was in the hands of the Ministry of Internal Affairs.

50. He had not fully understood the delegation's statement in one of its replies that one reason the Serbian Orthodox Church was not registered in the country was that it did not recognize the Macedonian Orthodox Church. Similarly, he could not see why the setting up of private religious schools should be prohibited, provided that those schools met the educational standards laid down by the Ministry of Education. He would welcome explanations on those two points.

51. While he agreed that an unlicensed university should not be permitted to teach, he did not understand why the FYR of Macedonia's concern with regard to the issue of Albanian nationalism should prohibit the setting up of an Albanian-language university in the country. Lastly, the statement that anyone asserting that his rights under the Covenant had been violated had the right to appeal to the Constitutional Court "in the light of article 118 of the Constitution" was, he thought, a somewhat over-optimistic interpretation of the position.

52. The meeting was suspended at 11.25 a.m. and resumed at 12 noon.

53. Mrs. LAZAROVA-TRAJKOVSKA (the former Yugoslav Republic of Macedonia) said, in reply to the questions on the import of printed materials, that new legislation was shortly to be introduced under which responsibility for the matter would be taken over by the Ministry of Culture. In practice, the FYR of Macedonia's policy in that area was very liberal. Out of 200 applications to the Ministry of Internal Affairs, only three had been refused. There was no limit to the number of publications that could be imported under a single application. Those refused licences had the right to appeal to the administrative authorities and, ultimately, to the Supreme Court.

54. Concerning Mr. Klein's question on trans-frontier movement, the FYR of Macedonia, like other European States, had legislation governing entry into and residence in the border areas. The figures quoted in the report in relation to illegal crossings by Albanians of the border between the FYR of Macedonia and Albania for the period 1993 to 1997 did not imply that only Albanians were guilty of that offence. Romanians, Russians, Ukrainians and Bulgarians were also involved in attempts to enter the country illegally. There were currently some 26,000 people residing illegally in the FYR of Macedonia.

55. On the question of the word "escorted" used in the report, she explained that a foreigner who stayed on in the country after his visa had expired would first receive a reminder from the Ministry of Internal Affairs of the need to renew the visa. If he failed to do so, the Ministry would then contact the diplomatic or consular representative of the person's country in order to arrange for him to be sent back either to that country or to another country of his choice that would agree to accept him.

56. In reply to Mr. Klein's question, she said that NGOs no longer had to be registered with the Ministry of Internal Affairs. More than 6,500 NGOs were currently registered in the FYR of Macedonia, probably half of which had been registered after 1992. The figure of 200 related only to women's organizations. Persons without Macedonian citizenship were entitled to register NGOs and 31 of them in fact had been registered by foreigners.

57. Ms. JANJIC (the former Yugoslav Republic of Macedonia), replying to the question on the right to vote, said that an incorrect translation of the third paragraph of article 22 of the Constitution had given rise to a misunderstanding. In fact, the text should read: "Persons deprived of legal capacity by a court verdict do not have the right to vote". The procedure for deprivation of legal capacity was regulated by the Law on Non-Contentious Procedures, under which the right of the person concerned to be heard by the court, to have evidence given concerning his condition, including specialist medical evidence, and to appeal against the verdict on grounds of deprivation of liberty, was guaranteed.

58. In response to the question asked by Ms. Medina Quiroga regarding the crime of breach of family obligations, she said that the penalty for abandoning a family member who was incapable of taking care of himself would be a term of imprisonment of from three months to three years. If the abandonment resulted in the death of the family member or in a serious deterioration in his health, the penalty would be a term of imprisonment of from one to five years.

59. Mr. TODOROVKSI (the former Yugoslav Republic of Macedonia), replying to another question by Ms. Medina Quiroga, said that violation of the privacy of the home without a warrant was unconstitutional. Under article 26 of the Constitution, search of a home could be ordered only by a court. Under article 199 of the Criminal Procedure Code, the search had to be authorized by a written decision containing details of the location, the person to be sought, and the objects to be located. The only exception was provided under article 202 of the Criminal Procedure Code, which authorized officials of the Ministry of Internal Affairs to enter a home or other premises without a

search warrant in order to apprehend a person whose arrest had been ordered by the court. Such searches were carried out only when deemed essential to locate the person or objects sought.

60. Under article 13 of the Constitution, a person unlawfully deprived of liberty or unlawfully detained had the right to compensation, under procedures laid down in the Criminal Procedure Code. A number of cases of unlawful detention had been registered in the period covered by the report, and in all of them disciplinary measures had been instituted against the police officers responsible. The Ministry of Internal Affairs was currently taking steps to bring domestic law into line with international standards in the matter.

61. Mr. STOJANOVSKI (the former Yugoslav Republic of Macedonia), in reply to the question about the "escorting" of foreigners to diplomatic or consular missions, explained that the reference was not to foreigners guilty of an offence, but rather to those who had simply exceeded the period of stay in the country authorized by bilateral or regional agreements. The diplomatic or consular representative could provide any assistance needed if, for instance, the person concerned was in financial difficulties.

62. NGOs had been consulted on certain issues when the report was being prepared. However, it should be understood that NGOs in the Republic operated differently from those in the former Yugoslavia: unfortunately, they sometimes abused their position and became mere mouthpieces for political propaganda. After its consideration by the Committee, the report would be made available to NGOs as well as to the general public, in the hope that it would encourage them to enter into a more constructive dialogue with the Government.

63. In reply to Mr. Yalden's question why no complaint had been received from citizens of the FYR of Macedonia under the Optional Protocol to the Covenant, he said that there were probably not enough lawyers in the country with adequate language skills to assist individuals in the drafting of communications relating to international law. Regarding the difference between "citizens" and "persons", he explained that the Macedonian word thus translated was simply a general term meaning "everyone" or "everybody".

64. As for Ms. Medina Quiroga's question about the approach used when there was a conflict between a domestic law and the Covenant, he said the domestic law had to be amended and, in practice, that was what happened. Concerning reciprocity in inheritance procedures, he said his country's practices had a basis in its history. Since some neighbouring countries refused to allow citizens of the FYR of Macedonia residing in their territories to inherit property, his Government applied the same policy under certain bilateral treaties.

65. On the question concerning the statistics regarding police misconduct - which he believed was prompted by concern about police treatment of the Albanian minority - he said that there was nothing in the law that obligated a person, in any given situation, to state his ethnic origin.

66. The system of quotas for entrance into the university of members of ethnic groups had proved to have had negative effects, and it was debatable

whether they should be redoubled by additional measures along the same lines. In a specific instance known to him, the police were alleged to have been responsible for the death of a Roma woman in a market place but she had, in reality, succumbed to a heart attack provoked by very hot weather. The slogan of minority protection was, unfortunately, being overused to the point of abuse.

67. On juvenile crime and the questions asked by Mr. El Shafei, he said the authorities were doing their best to prevent it, including through the educational process, the actions of NGOs and the work of the national anti-drug commission. He undertook to furnish in writing additional information on governmental efforts in that field.

68. Responding to Mr. Ando's question about the International Press Centre, he said it was a convenience for journalists, both citizens of the country and foreigners. It offered facilities for receiving e-mail, fax transmissions and data and represented an attempt to keep pace with modern communications techniques. Journalists were under no obligation to use its services and there were, in fact, two private clubs that offered similar facilities. The three cases mentioned in paragraph 429 of the report had occurred during the reporting period, i.e. prior to 30 June 1997 which was 10 days before the events in Gostivar.

69. Since 1944, the arrangements for local self-government had undergone modification several times, in an attempt to find the best option. His country did not have a large land area - only about 24,000 square kilometres - and the objective was to create close interlinkages between communities, whose number had recently been increased from 33 to just over 100. Unfortunately, the position of "communal pole", or mayor, was used in most cases to advance a political agenda rather than to improve living conditions in the community. The reason why the central authorities had to be responsible for certain decisions affecting the communities was that smaller ethnic groups needed special protection to survive.

70. He was surprised to hear from Mr. Klein's question about the decision of the Constitutional Court that it had been ex nunc, and he would check the fact. He was likewise surprised at the number of mayors said to be in prison - to his knowledge, there were only two, in addition to two heads of local council committees who had been responsible for implementing the Constitutional Court's decision and had refused to do so.

71. Religion was a difficult matter for the authorities to deal with, owing to the history of the country, and they had carefully studied the Committee's recommendations on avoidance of discrimination. With the new regulations, the only requirement was to re-register and to choose the title "religious community" or "religious group". For the Muslim and Orthodox religious communities, there would be no problem, as they both had a sufficiently large membership and a well-developed administrative structure. The Catholic religious community was smaller in size and might have a problem in registering. The intention was, however, to preserve those three religious communities, which had been present for most of the country's history, without prejudice to the rights of the other religious communities. In respect of religious exchanges with other countries, he noted that the Serbian Orthodox

Church did not recognize the Macedonian Orthodox Church. Teachers of religion from his country were not allowed to teach in neighbouring countries. The FYR of Macedonia had countered those restrictions with similar limitations.

72. There were no alternatives to army service for homosexuals, but on the other hand, no requests for any such alternative service had been made.

73. On the minority question, he said the sole reason for the presence of the United Nations Preventive Deployment Force (UNPREDEP) in his country was to prevent spillover from the ethnic strife in Bosnia, Albania and Kosovo. Dealing with the Albanian minority was a very delicate matter: if the wrong signals were sent out, it would be encouraged in its aspirations to form a federal State. Those aspirations were based on a misunderstanding of the basis for self-determination and a failure to recognize that it had to be exercised by peoples, not minorities.

74. Reports of tension between Macedonians and Albanians in his country were common. The authorities were well aware that there was a problem and would be grateful for any assistance to resolve it. It was necessary, however, to carry out an in-depth analysis before taking any precipitate action.

75. The CHAIRPERSON, summing up the discussion, said that all the members of the Committee had commended the authorities of the FYR of Macedonia on a truly excellent report that had been very carefully researched. It was a noteworthy and welcome fact that the members of the delegation had actually attended the Committee's meetings to prepare for the discussion of the report. The efforts they had made had resulted in high-quality oral presentations.

76. In view of the difficult transition from collective to individual values, it was hardly surprising that few citizens of the FYR of Macedonia had submitted complaints under the Optional Protocol. The Committee welcomed the country's accession to the Covenant immediately upon its succession to the Federal Socialist Republic of Yugoslavia, an act which corresponded entirely to what the Committee considered necessary to the continuity of the protection given to populations under the Covenant.

77. Members of the Committee had, of course, raised a number of concerns. There was some question about the extent to which the Covenant was incorporated into domestic law and whether it took precedence over it. The situation of women was another weak point, and the delegation had very frankly admitted that much remained to be done to overcome the problems. The fact that there were still strong prejudices against women's education suggested that measures of positive discrimination might be required.

78. The requirement of registration for religious communities might constitute a violation of the right to religious freedom under article 18 of the Covenant. Limitations on the import of literary works from foreign countries were likewise a cause for concern.

79. On the most thorny issue, that of minority rights, the delegation had been somewhat less forthcoming than on other subjects. She drew attention to

paragraph 5.2 of the Committee's General Comment No. 23 on article 27 (HRI/GEN/1/Rev.2), which indicated that the existence of an ethnic minority in a State did not depend upon a decision by the State but required to be established by objective criteria.

80. Finally, she said that, when the FYR of Macedonia submitted its second periodic report, the Committee would be looking, not for a better report, as the initial one had been excellent, but for signs that, in the interim since its discussion, progress in guaranteeing human rights had been made. She thought that there was every likelihood that that would be the case, and she thanked the delegation for participating in the discussion.

81. Mr. TODOROVSKI (the former Yugoslav Republic of Macedonia) said he fully agreed that work on human rights under the Covenant was a two-way street. His delegation looked forward to further interaction with the Committee and he would convey to his authorities the comments made and questions asked, which had provided insights into how a number of problems should be approached and lacunae remedied.

The meeting rose at 1 p.m.